

1860-304 Chancery Causes: Heirs of Charles Minter vs Heirs of Carr Bailey
Lee Co.

Brittain, Chadwell, Thompson, Daley, Willson

1 Plat

- Deed

CA - Contract Dispute
T - Property

Charles Minter

vs E. B. C.

Carr. Baley's Hires

22 May Bill filed & contd

June contd. July contd. Aug

contd. Sept contd. Oct. contd.

Nov. Dec. ~~Jan.~~ contd.

1843 Jan. Feb. Mar. April May

June July Aug. Sept. Oct.

Nov. Dec. Continued

1844 Continued

1845 Continued

1846 Continued

1847 Continued

1848 Continued

1849 Continued

1850 Continued

1851 Continued

1852 Continued

1853 Continued

1854 Continued

1855 Continued

1856 Continued

1857 Continued

1858 Continued

1859 Continued

1860 Jan. cont. Feb. Dec.

To The worshipful The County Court of Lee County in chancery
sitting. The Bill of complaint of Charles Miller of said County humbly
represents. That about the year 1800 one Carr Baley then of said County,
was seized and possessed of a tract of land situated in said County, containing
fifty two acres, which had been theretofore conveyed to said Baley by one
Enos Sutherland of whom he purchased the same, and to whom he fully paid
the purchase money therefor. At the date aforesaid, to-wit, in the year 1800
or thereabouts, the said Carr Baley sold the said tract of land to one
James Baley late of said County, at the price of about \$400 and gave
the said James Baley full and peaceable possession of the said tract
of land, which he retained and enjoyed untill the same came into the
possession of your orator. If any title bond or other writing was
executed by said Carr Baley to said James Baley, the same is misplaced
but it is probable that none was intended into between the said relations.
The said James Baley fully paid the purchase money of said
land to said Carr Baley, but neglected to obtain from him the legal
title thereof in his life time, so that it still remains vested in the heirs at
law of said Carr Baley deceased. On the 31st day of March 1834. The said
James Baley, (being in the possession of said tract of land), sold the
same to your orator at the price of three hundred dollars which
your orator fully paid the said James Baley, and the possession of
said land was delivered to your orator by said James Baley which
your orator has enjoyed ever since, and still retains, your orator
has moreover made permanent and valuable improvements upon said
land since his said purchase and the said James Baley while he owned
and possessed the same made permanent and valuable improvements
thereon. The said James Baley at the time of the sale aforesaid of
said land to your orator, executed a writing which was intended as
as a title bond for said land, and is herewith filed as part of this bill
marked (A) Under the said contract the said James Baley was to
have procured a conveyance of said land from the heirs of Carr Baley to
your orator but the said James Baley departed this life before he had
the opportunity of procuring the said conveyance, and the legal title of said

land is still vested in The said heirs of Ebenezer Bailey Deed. The proper
metes and bounds of said 52 acres of land will be seen by reference
to exhibit (B) herewith filed as part of this bill. The said
Ebenezer Bailey left the following heirs in whom the legal title of said
tract of land is vested to wit, William Bailey and Ebenezer Bailey his
sons and Ebenezer Brittain James Brittain George Brittain, Sarah
Brittain Mary Brittain, Mary Bailey, Green Bailey and Dealy
Bailey his grand children and also his daughter Lucy Chadwell
and her husband Alexander Chadwell. The object of your
Orator is to extract from the said heirs the legal title to said
tract of land and bring without an adequate remedy for that
purpose at common law and redressable only in a court of
equity his prayer therefore is that the said William Bailey, Ebenezer
Bailey Ebenezer Brittain, James Brittain, George Brittain Sarah
Brittain Mary Brittain Mary Bailey Green Bailey, and Dealy Bailey
[The last three of whom are infants under the age of twenty-one years], be
made parties Defs to this bill, and be required to make full true
and perfect answer thereto on oath, that a guardian ad litem
be appointed to answer for said infant Defs. That your worships
will render a decree compelling the said Defs to convey the
legal title of said land to your Orator with covenants of
Special warranty; and for the purpose of attaining that object,
that a commissioner be appointed by your worships to
make conveyance of said fifty two acre tract of land from said
heirs of Ebenezer Bailey Deed to your Orator, according to the metes
and bounds thereof as set forth in exhibit (B), with covenants
of Special warranty. And that your Orator be quieted in the enjoy-
-ment of the possession of his said tract of land and that such
other and further relief be extended to your Orator as to
justice and equity belongs and is suited to his case. May it please
your worships to grant the Commonwealth's writ of Habeas Corpus
Or

Charles Minter Hirs Defts

£ In Chancery

vs

Carr Bales Hirs Defts

This cause came
on to be heard this ^{February} 18th day of
March 1850 upon the bill of the
Complainants and exhibits filed
and was argued by counsel and
it appearing to the Court that the Defts
William Baley Carr Baley Carr Brittain
James Brittain George Brittain Sarah
Brittain Mary Brittain Mary Baley Green
Baley Sealy Baley Lucy Chadwell and
Alexander Chadwell have been duly
served with process in this case and
that they have all attained lawful age and
they still failing to appear and answer the
Complainants bill it is ordered that the
same be taken for confessed. And it moreover
appearing from the exhibits in the cause that
the Plaintiffs are entitled to recover from the
said Defts the legal title to the fifty two acre
tract of land in the bill mentioned, the metes and
bounds of which are set forth in exhibit (B).
It is therefore adjudged ordered and decreed
that John W. Morrison ^{Henry J. Morgan} be and he is hereby
appointed a Commissioner to convey from the
said Defendants the legal title of the said fifty two
acres of land according to the metes and bounds
thereof set forth in exhibit (B), to the Plaintiffs
John E. Minter, ~~Harry Minter~~ ^{Thompson} Virginia ~~Minter~~ ^{Daley}
Martha Minter William A. Minter Landon C.
Minter Martha Gless Virginia Daley and
Nancy Thompson Hirs at law of Charles Minter
Died and make report of his proceedings to the
Court at the next term till which time this
cause is continued

© Minter's Hens

or 3 Deere

© Bailey's Hens

To The Worshipful county court of Lee county in chancery
Sitting

Your commissioner appointed by a decree of your
worships entered at the February Term of the county court
of Lee county 1860, in a chancery cause therein depending
between the Heirs of Charles Minter complainants and the
Heirs of Carr Bailey Defendants, by which decree your
commissioner was directed to convey by deed (with proper mites
and bounds with covenants of Special Warranty, a certain
tract or parcel of Land in the bill mentioned) the legal title
from the defendants to John C. Minter William A. Minter
Landon C. Minter, Martha Glaf, Virginia Daley and Nancy
Thompson

Pursuant thereto, your commissioner would respectfully
represent, that on the 20th day of April 1860 your com^r
executed a Deed to the said parties with proper mites and
bounds and ^{with} covenants of Special Warranty, all of
which is respectfully submitted
April 20th 1860, H. J. Morgan Com^r

Charles Wentworth

as 3 Com. Report.

Car Bailey's Hiss

This Deed made this 2nd day of April 1860 between
Henry J. Morgan a commissioner appointed by a decree
of the county court of Lee county, rendered on the 20th day
of February 1860 in a chancery suit therein depending
in which the heirs of Charles Minter are complainants
and the heirs of Carr Bailey are defendants of the first
part, and John E. Minter William A. Minter Landon
C. Minter, Martha Glap, Virginia Dalry and Nancy
Thompson of the second part. Witnesseth that whereas by
the said Decree it was decreed that the said Morgan who
was appointed a commissioner for the purpose should
convey from the said defendants the legal title of a fifty two
acre tract of land in the hill mentioned, the miles and bounds
of which is set forth in exhibit (B) filed in said cause,
to the said parties of the second part, with covenants of special
warranty. Now therefore in consideration of the premises
and for the further consideration of the sum of one dollar
to him in hand paid the said Morgan Commissioner
aforesaid doth hereby grant bargain and sell unto the said
parties of the second part, the said tract or parcel of land
containing 52 acres more or less and bounded as follows To wit
Beginning on a bush on the bank of ^{the} creek near E. M.
Minters house Thence S 31° E 98 poles to a bush by the Wagon
road S 61° E 94 poles to 2 Stumps N 35° W 117 poles to a Sage
and more on the bank of said creek, Thence up the creek
N 73° E 92 poles to the beginning, with all the appurtenan
ces, to have and to hold to the said parties of the second part,
and their heirs forever, and the said Morgan Commissioner
as aforesaid for himself and his heirs doth ~~grant~~
Warrant Specially the land hereby conveyed, Witness the
following Signature and seal

Henry J. Morgan Commissioner

Cha^s. Winter & al

From } Deeds

Henry S. Morgan Comr.

Knowall men by these presents that I James
Bailey of ~~the county of~~ doth covenant and agree and
do give and sell, ^{unto Charles Mintes} and sell a certain tract of land
or parcel of land ^{lying on the south side of the mill creek} contain-
ing 52 acres of land being the same more or less
the said James Bailey doth covenant and give to
sell all the claim ^{he holds} ^{unto the said Mintes} ^{thought of his father} to
the said tract of land, The said James Bailey his heirs
doth bind themselves in the sum of six hundred
dollars current money of va unto the said Charles
heirs and truly to be paid signed seal and delivered this 30th
march 1834 in the presence
of me ^{Charles Mintes} ^{James Bailey}
when the said James Bailey doth make a good
and sufficient right to the above tract of land the
above obligation is to be void unless to remain in
full force and virtue

(A)

$$\begin{array}{r}
 160 \\
 35 \\
 \hline
 800 \\
 480 \\
 \hline
 5600 \\
 4320 \\
 \hline
 9920 \quad (62) \\
 16 \overline{) 996} \\
 \underline{1} \\
 32 \\
 \underline{32} \\
 0
 \end{array}$$

113

62. A.

Beginning on a huch on the bank of the
 Creek near Em miners house thence
 S 39 E 28 poles to a buckeye by the waggon road
 N 61 E 94 poles to 2 stumps
 S 35 W 117 poles to a Sickenware on the
 bank of said Creek thence up the Creek to
 S 43 E 92 poles to the Beginning

Courses of Charles Menden
land to get done for.
till it is over the
hires

B

furnished by
young Menden
as correct courses

John E. Minter, Nancy, Virginia, Martha,
William A. Landon C. Sarah.

Nancy married Thompson, Virginia married
Samuel Daley, Martha married Milson Gluf

THE COMMONWEALTH OF VIRGINIA to the sheriff of Lee

county greeting. We command you to summon William Bailey, James Bailey, Sam
Bailey, Sam Brittain, James Brittain, George Brittain, Lucy Chadwell
Sarah Brittain, Mary Brittain, Mary Bailey, Green Bailey and Selig
Bailey heirs at law of Sam Bailey deceased

to appear before the justices of our Court of Lee County at the Court House, on
the third Monday in June next to answer a bill in chancery exhibited
against them by Charles Minter

and unless they shall answer the bill within ^{two} ~~four~~ months thereafter the Court
will take the same for confessed, and decree accordingly. And this they shall
in no wise omit under the penalty of one hundred pounds. And have then there
this writ. Witness ^{John W.S. Morison} ~~Wm. W. Morison~~, Clerk of our said Court, at the Court
House, the 13th day of April 1822 in the 66th year of the Commonwealth.

J. W.S. Morison *cl*
Attest J. W.S. Morison *cl*

THE COMMONWEALTH OF VIRGINIA to the sheriff of *Lee*
County greeting. We command you to summon *William Bailey, James Bailey,*
Sam Bailey, Sam Brittain, James Brittain, George Brittain, Lucy
Shadwell, Sarah Brittain, Mary Brittain, Mary Bailey, Green Bailey
and Sealy Bailey heirs at law of Sam Bailey deceased
to appear before the justices of our Court of Lee County, at the Court House,
on the third Monday in *June next* to answer a bill in chancery exhibited
against *them* by *Charles Minter*

and unless *they* shall answer the bill within ^{*two*} ~~four~~ months thereafter the Court will
take the same for confessed, and decree accordingly. And this *they* shall in no
wise omit under the penalty of one hundred pounds. And have then there this
writ. Witness ^{*John W.S. Morrison*} ~~the~~ Clerk of our said Court, at the Court
House, the *15th* day *April* 18*42* in the *66th* year of the Commonwealth.

J. W.S. Morrison *cl*
Attest *J. W.S. Morrison* *cl*

18
 12
 36
 18
 72

The Court will
 in answer a bill in chancery exhibited

The Court will
 shall in no
 with the Court
 at the Court
 the Court

THE COMMONWEALTH OF VIRGINIA to the sheriff of *Lee*

county greeting. We command you to summon *William Bailey, James Bailey, Ben Bailey, Ben Brittain, James Brittain, George Brittain, Lucy Chadwell, Sarah Brittain, Mary Brittain, Mary Bailey, Green Bailey, and Elizabeth Bailey* *Attorney at law of Ben Bailey deceased*

to appear before the justices of our Court of Lee County at the Court House, on the third Monday in *June next* to answer a bill in chancery exhibited against *them* by *Charles Minter*

and unless *they* shall answer the bill within ^{*two*} ~~four~~ months thereafter the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit under the penalty of one hundred pounds. And have then there this writ. Witness ^{*John W.S. Morrison*} ~~James W.S. Morrison~~, Clerk of our said Court, at the Court House, the *13th* day of *April* 18*th* in the *66th* year of the Commonwealth.

J. W.S. Morrison

K

Charles Minton

vs. Sp. in Chancery

W. Bailey & others

June term 1842

Executed upon
William Bailey &
not upon the ~~other~~
~~defts of want of~~
~~time.~~ the heirs
of James Bailey dec'd
for want of time.

The depts James Bailey exec
Bailey exec Brittain, James
McMinn James Brittain
George Brittain Sarah Brittain
Mary Brittain, Mary Bailey
and not inhabitants of my
barrenish as I am infor
med and believe.
Jacob V. Huckerin Dep
Zechariah O. Gibson
S. H.